

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY PCT

(Chapter II of the Patent Cooperation Treaty)

REC'D 16 NOV 2005

#### (PCT Article 36 and Rule 70)

Applicant's or agent's file reference	<b>FOR FURTHER ACTION</b>	
	See Form PCT/IPEA/416	
International application No. PCT/EP2004/013326	International filing date (day/month/year) 23.11.2004	Priority date (day/month/year) 23.12.2003
International Patent Classification (IPC) or national classification and IPC A23B7/005, A23B7/16, A23L1/22		
Applicant UNILEVER N.V. et al.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of sheets, as follows:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the opinion</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>		
Date of submission of the demand  05.03.2005	Date of completion of this report  15.11.2005	
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Adechy, M  Telephone No. +49 89 2399-	



# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/EP2004/013326

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

### Description, Pages

1-8 as originally filed

### Claims, Numbers

1-12 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3.  The amendments have resulted in the cancellation of:
    - the description, pages
    - the claims, Nos.
    - the drawings, sheets/figs
    - the sequence listing (*specify*):
    - any table(s) related to sequence listing (*specify*):
  4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
    - the description, pages
    - the claims, Nos.
    - the drawings, sheets/figs
    - the sequence listing (*specify*):
    - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	11,12
Inventive step (IS)	Yes:	Claims	1-10
	No:	Claims	11,12

Industrial applicability (IA)	Yes:	Claims	1-12
	No:	Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1) Reference is made to the following documents:**

- D1: EP-A-0 396 810 (SEFFERT UTE) 14 November 1990 (1990-11-14)
- D2: CH 134 075 A (SLOMNESCO BANGERTER N) 15 July 1929 (1929-07-15)
- D3: FR-A-2 628 943 (LAMBERT SARL) 29 September 1989 (1989-09-29)
- D4: US-A-5 417 998 (SCHEIBNER ET AL) 23 May 1995 (1995-05-23)
- D5: EP-A-0 392 016 (UMEMURA, KOZO) 17 October 1990 (1990-10-17)

**2) Novelty Art 33 (1) and (2) PCT**

"A meal kit", i.e. a composition, comprising a vegetable matter immersed or coated into a vegetable oil is known from D1 to D5.

In D1, garlic is preserved by pouring it into hot vegetable oil (100 to 130 °C).

D2 anticipates a vegetable matter coated with vegetable oil and further stored with a plastic bag or cardboard box, thus anticipating the subject matter of claims 11 and 12.

D3 discloses the addition of vegetable oil to vegetables.

D4 relates to the preservation of fruits by immersion into salt, followed by immersion into vinegar and further vegetable oil, at room temperature.

In the process of D5, truffles are being preserved in sunflower oil.

**3) Inventive step Art 33 (1) and (3) PCT**

The problem to be solved is to preserve vegetable matters by means of immersing said matter into hot edible oil at 140 to 220 °C for 5 seconds to 4 minutes.

The closest prior art is D1 relates to the preservation of garlic by treating it with hot vegetable oil. The said document differs from the present application in that it does not disclose an oil temperature range from 140 to 220 °C. The temperature range in D1 is from 100 to 130 °C.

The problem solved in claim 1 in file is regarded as an alternative process to preserve vegetable matter.

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The subject matter of dependent claims 2-10 would be regarded as involving an inventive step only in relation with an independent claim fulfilling the requirements of Art. 33 (1) and (3) PCT.